



AN ACT PROHIBITING THE FEEDING OF CERTAIN WILDLIFE; AMENDING SECTION 87-3-130, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-3-130, MCA, is amended to read:

"87-3-130. Taking of wildlife to protect persons or livestock. (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this title if the wildlife is attacking, killing, or threatening to kill a person or livestock, except that, for purposes of protecting livestock, a person may not kill or attempt to kill a grizzly bear unless the grizzly bear is in the act of attacking or killing livestock. In addition, a person may kill or attempt to kill a wolf or mountain lion that is in the act of attacking or killing a domestic dog. A person who, under this subsection, takes wildlife protected by this title shall, within 72 hours, notify the department and surrender or arrange to surrender the wildlife to the department.

(2) A person may not provide supplemental feed attractants to game animals by:

(a) purposely or knowingly attracting any ungulates, bears, or mountain lions with supplemental feed attractants;

(b) after having received a previous warning, negligently failing to properly store supplemental feed attractants and allowing any ungulates, bears, or mountain lions access to the supplemental feed attractants; or

(c) purposely or knowingly providing supplemental feed attractants in a manner that results in an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.

(3) A person who is engaged in the normal feeding of livestock, in a normal agricultural practice, in cultivation of a lawn or garden, or in the commercial processing of garbage is not subject to civil or criminal liability under this section.

(4) A person who is engaged in the recreational feeding of birds is not subject to civil or criminal liability under this section unless, after having received a previous warning by the department, the person continues to

feed birds in a manner that attracts ungulates or bears and that may contribute to the transmission of disease or constitute a threat to public safety.

~~(4)~~(5) A person who violates subsection (2) is guilty of a misdemeanor and is subject to the penalty provided in 87-1-102(1). This section does not apply to supplemental feeding activities conducted by the department for disease control purposes.

~~(5)~~(6) As used in this section:

(a) "livestock" includes ostriches, rheas, and emus; and

(b) "supplemental feed attractant" means any food, garbage, or other attractant for game animals. The term does not include growing plants or plants harvested for the feeding of livestock.

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0202, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2009.

Speaker of the House

Signed this _____ day
of _____, 2009.

SENATE BILL NO. 202

INTRODUCED BY HINKLE, HENDRICK, JACKSON, GEBHARDT, MURPHY, DE. BARRETT, ZINKE,
SHOCKLEY

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